

REMARKS

Reconsideration is respectfully requested.

Claims 101-190 are pending. Claims 1-100 have previously been canceled

5

Claims 101 and 146 have been amended to insert the phrase "wherein the at least one surface comprises at least one image recording area having at least one labeling surface, the at least one labeling surface comprising laser sensitive materials; and wherein the laser sensitive materials are for labeling the at least one surface of the recording medium and not for primary data storage" and to insert "CD/DVD" before "recording medium". Such amendments have basis in the specification. No new matter has been added.

Claims 101 and 146 have also been amended to describe the present invention as having laser sensitive materials comprising infrared sensitive dyes and near infrared absorbing dyes. This amendment has basis in the specification from page 6, line 29 to page 7, line 2 as well as page 12, lines 10-15 and page 16, lines 6-9. No new matter has been added.

Claims 117, 132, 133, 134, 135, 136, 137, 138, 140, 162, 177, 178, 179, 180, 181, 182, 183, and 185 have been amended to remove the term "heat-sensitive dye" to describe IR-absorbing dyes and to reconjugate appropriately the verbs "comprising" and "having". This is necessary to make these claims consistent with the amendments of claims 101 and claims 146 described above. This was also necessary to obtain consistency with the specification which consistently describes these dyes as IR absorbing dyes on page 12, lines 10-15 and page 16, lines 6-9. No new matter has been added.

Claims 143 and 188 have been amended to change the term "light sensitive" to "infrared sensitive" and the term "temperature sensitive" to "near IR absorbing" which is consistent with the terminology used in the specification on page 12, lines 10-15 and page 16, lines 6-9. No new matter has been added.

Claims 121 and 166 have been corrected to insert "and" between the last two members of a series and to change a semicolon to a period at the end of the series. No new matter has been added.

5

As amended herein, the presently claimed invention relates to a CD/DVD recording medium comprising, on at least one surface, laser sensitive materials comprising infrared sensitive dyes and near infrared absorbing dyes; wherein the at least one surface comprises at least one image recording area having at least one labeling surface, the at least one labeling surface comprising the laser sensitive materials; and wherein the laser sensitive materials are for labeling the at least one surface of the recording medium and not for primary data storage.

15 Claims 101-190 stand rejected under 35 U.S.C. 112, first and second paragraphs. With the addition of the phrase that "the laser sensitive materials are for labeling the at least one surface of the recording medium and not for primary data storage", the examiner's concerns in both rejections become moot. Applicants respectfully request that the 112 rejections be withdrawn.

20

Claims 101-190 stand rejected under 35 U.S.C. 102(b) as being anticipated by applicants' statement in the specification that some laser sensitive materials" are known as imaging materials in the recording arts. The phrase "the at least one surface comprises at least one image recording area having at least one labeling surface, the at least one labeling surface comprising laser sensitive materials" has been added near the end of claims 101 and 146 and the phrase "CD/DVD" has been added before "recording medium". The present invention including the amended claims is not anticipated by any language in the present specification and the examiner's concerns are obviated.

25 In light of these amendments, applicants respectfully request that the 102(b) rejection be withdrawn.

30

Claims 101-190 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaha (JP 2000330359) in view of statements of applicant in the specification that some laser sensitive materials are known as imaging materials in the recording arts. In the present application as claimed, various imaging materials are claimed in a labeling surface of a CD/DVD recording medium. In contrast, on page 12, paragraph 9, of the English translation of Yamaha, there is described: "a layer having visible variable optical characteristic, enabling to create layers in different colors by changing at least any one of its characteristics, such as the hue, brightness, through irradiation with said laser light. The color changes of said layer can be also achieved with a photosensitive or heat sensitive layer."

Although Yamaha discloses that the layer can achieve color change by irradiation with laser light, there is no teaching about what specific kind of substance could be used to achieve such color change. Further, the disclosure in the present specification about laser sensitive materials used in the present invention does not teach or suggest that such materials had been previously used in CD/DVD recording medium. rather it states only that such laser sensitive materials are known in the art, meaning the dye art. Although a case could be made that known laser-sensitive dyes used in other media could be tried, it would not be obvious to one skilled in the art that such dyes could be used successfully. Nor would it be obvious which specific dyes would work on the CD/DVD recording medium nor would it be obvious how to make them work.

In the present application, it has been found that a combination of infrared sensitive dyes and near infrared absorbing dyes can produce a label on the labeling surface of the recording medium when a laser is applied to such a combination of dyes on the surface. In contrast, Yamaha neither teaches nor suggests anything about the kind of dyes or combination of dyes that need to be used. It is clearly an unexpected result that both infrared sensitive dyes and near infrared absorbing dyes need to be used to achieve the present in-

vention. Therefore applicant respectfully asserts that the 103(a) rejection should be withdrawn.

Claims 101-190 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of cop ending Application No. 10/235,155. A terminal disclaimer is submitted herewith signed by the applicants' attorney which disclaims any term beyond the term of cop ending, commonly-owned Application No. 10/235,155.

In view of the above amendments, arguments, and the submitted terminal disclaimer, the applicants respectfully request that the above rejections be withdrawn.

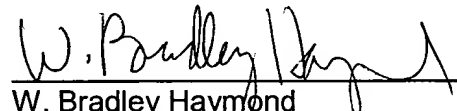
15

Respectfully submitted,

Anderson et al.

20

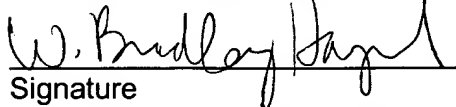
Hewlett-Packard Company
1000 NE Circle Blvd MS 422B
Corvallis, OR 97330


W. Bradley Haymond
Reg. No. 35,186
Attorney for Applicant
Telephone: (541) 715-0159

25

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313

30


Signature

35

W. Bradley Haymond

Typed Name

12-2-05

Date of Signature